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Synthon

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| TO: | FROM: |
| Mail Stop Appeal Brief - Patents | Mark R. Buscher |
| COMPANY: | DATE: |
| USPTO | August 20, 2008 |
| FAX NUMBER: | TOTAL NO. OF PAGES INCLUDING COVER: |
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| | SYN-0044 |
| RE: | YOUR REFERENCE NUMBER: |
| APPLICATION NO.: 10/824,619 | |

- 1) Transmittal Form PTO/SB/21 (1 page);
- 2) Response to Notification of Non-Compliant Appeal Brief (3 pages).

PTO/SB/21 (01-08)


Approved for use through 01/31/2008. OMB 0651-0031
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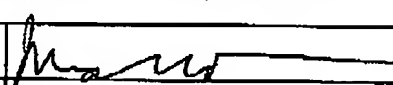
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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/824,818 | RECEIVED CENTRAL FAX CENTER AUG 20 2008 |
| | Filing Date | April 15, 2004 | |
| | First Named Inventor | Johannes J. PLATTEUW et al. | |
| | Art Unit | 1818 | |
| | Examiner Name | Susan T. TRAN | |
| Total Number of Pages In This Submission | Attorney Docket Number | SYN-0044 | |

| ENCLOSURES (Check all that apply) | | |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Notification of Non-Compliant Appeal Brief (3 pages). |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|--------|
| Firm Name | Synthon IP Inc. | | |
| Signature |  | | |
| Printed name | Mark R. Buscher | | |
| Date | August 20, 2008 | Reg. No. | 35,006 |

CERTIFICATE OF TRANSMISSION/MAILING

| | | | |
|---|---|------|-----------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: | | | |
| Signature |  | | |
| Typed or printed name | Mark R. Buscher | Date | August 20, 2008 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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AUG 20 2008

PATENT
Atty Docket No.: SYN-0044

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Johannes J. Platteeuw, et al.

Confirm. No.: 6264

Serial No.: 10/824,619

Art Unit: 1618

Filed: April 15, 2004

Examiner: Susan T. TRAN

For: ORALLY DISINTEGRATING TABLETS

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

In response to the Notification of Non-Compliant Appeal Brief, mailed August 12, 2008, Applicants submit herewith an Amended Page 1¹ of the Appeal Brief originally-filed August 1, 2008, pursuant to 37 C.F.R. §41.37(d) and MPEP §1205.03. Amended Page 1 gives the status of all claims, including cancelled claims 2-4, 6 and 10, in Section III, "Status of Claims," pursuant to 37 C.F.R. §41.37(c)(1)(iii).

The attached Amended Page 1 has thus corrected this inadvertent omission of claims 2-4, 6 and 10 from Section III, "Status of Claims." The PTO's careful review of the Appeal Brief is thus greatly appreciated. Entry and consideration of the entire Appeal Brief, including Amended Page 1, is respectfully requested.

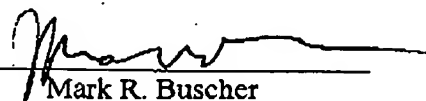
¹ The Notification states that "[p]lease note, the entire Appeal Brief does not need to be resubmitted." Accordingly, Applicants resubmit only Amended Page 1.

Because the fee required under §41.20(b)(2) was previously paid on August 1, 2008, no further payment is required.

Please charge any fee deficiency, and credit any over payment, to Deposit Account No. 502877.

Respectfully submitted,

Date:

By: 
Mark R. Buscher
Reg. No. 35,006

Philip A. Caramanica, Jr.
Reg. No. 51,528

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Attachment: Amended Page 1 of the August 1, 2008 Appeal Brief

Serial No. 10/824,619

I. Real Party in Interest

The real party in interest is Synthon IP Inc., a corporation of Virginia, which is one of several privately held companies ultimately owned by Synthon Holding BV, a corporation of The Netherlands.

II. Related Appeals and Interferences

There are no appeals or interferences, previously or currently, that are related to this application.

III. Status of Claims

Claims 1, 5, 7-9 and 11-37 are pending in the application, wherein:

Claims 1, 5, 7-9 and 11-37 are rejected.

Claims 2-4, 6 and 10 have been canceled.

Accordingly, claims 1, 5, 7-9 and 11-37 (all claims) are subject to this appeal.

IV. Status of Amendments

No amendments to the claims were made subsequent to the Final Rejection. Accordingly, the claims on appeal remain unchanged from the Final Rejection.

V. Summary of Claimed Subject Matter

The present invention relates to the surprising discovery that silicified microcrystalline cellulose can be used to provide an orally disintegrable tablet. This